

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 2:15-cr-20150-001
	)	
KIRBY JACKSON,	)	
	)	
Defendant.	)	
	)	

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**ORDER**

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Before the Court is pro se Defendant Kirby Jackson's Motion to Reduce Sentence pursuant to 18 U.S.C. § 3852(c)(2) and the 2014 Retroactive Drug Amendment ("Amendment 782") to the Federal Sentencing Guidelines Manual (the "Guidelines"). Jackson filed his motion on December 22, 2017. (ECF No. 264.) Plaintiff United States of America (the "Government") responded on January 11, 2018. (ECF No. 268.) Jackson replied on February 2, 2018. (ECF No. 272.)

For the following reasons, Jackson's Motion to Reduce Sentence is DENIED.

**I. Background**

On April 30, 2014, the United States Sentencing Commission (the "Commission") submitted Amendment 782 to the Guidelines to Congress. Amendment 782 reduced by two the offense levels

assigned in Guidelines §2D1.1 (the Drug Quantity Table), resulting in lower guideline ranges for most drug trafficking offenses. (ECF No. 268 at 869.) Amendment 782 went into effect on November 1, 2014. (Id.) The 2015 edition of the Guidelines incorporated Amendment 782's changes to the Drug Quantity Table. (Id.)

On March 9, 2016, Jackson pled guilty to conspiracy to possess with the intent to distribute more than 50 grams of methamphetamine in violation of 21 U.S.C. §§ 846, 841(b)(1)(A). (ECF No. 177 at 431.) On June 9, 2016, Jackson was sentenced to 210 months in prison with a four-year term of supervised release. (Id. at 432-33.) Jackson's projected release date is December 3, 2030.

## **II. Analysis**

At sentencing, the Court found that Jackson was responsible for 2.4 kilograms of methamphetamine. (See ECF No. 271 at 901.) Using that amount, the Court calculated a Base Offense Level of 36 under the 2015 version of the Guidelines. (See ECF No. 271 at 901); Guidelines §2D1.1(c)(2)(2015). Under the 2013 version of the Guidelines, before Amendment 782 became effective, a finding of 2.4 kilograms of methamphetamine would have resulted in a Base Offense Level of 38. See Guidelines §2D1.1(c)(1)(2013).

Because Jackson's Base Offense Level was calculated using the 2015 Guidelines Manual, which incorporated Amendment 782's

changes to the Drug Quantity Table, (see ECF No. 288 at 1037), Jackson has already received the benefit of Amendment 782. A sentence reduction is unwarranted.

### **III. Conclusion**

Jackson's Motion to Reduce Sentence is DENIED.

So ordered this 5th day of September, 2019.

/s/ Samuel H. Mays, Jr.  
SAMUEL H. MAYS, JR.  
UNITED STATES DISTRICT JUDGE